

CHAPTER 72 LEAD ABATEMENT PROGRAM

641—72.1(135) Definitions.

“Abatement” means, at a minimum, treatment of contaminated areas to eliminate accessible and chewable lead paint on surfaces. It shall consist of covering or removal of the lead paint from surfaces from which it is chipping or flaking or otherwise accessible for ingestion.

“Blood action level” means a blood level in a child of over 25 ug/dl of lead.

“Contamination action level” means a lead contamination level in a household of 1 mg/cm² or higher as measured by an X-ray fluorescence analyzer. (This level is established by the Department of Housing and Urban Development of the federal government and may be changed according to any changes required by HUD.)

“Department” means the Iowa department of public health.

“Laboratory” means a laboratory satisfactorily participating in the proficiency testing program of the Centers for Disease Control or other specific proficiency testing program for erythrocyte protoporphyrin and lead.

“Local board” means a county, district, or city board of health.

641—72.2(135) Applicant eligibility and application process.

72.2(1) All local boards of health are eligible to apply for grants under this program.

72.2(2) Local boards wishing to participate in this program shall make application to the Iowa department of public health. Requests for funds must follow the “Request for Proposals” format which will be made available from the Maternal and Child Health Bureau, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. All materials submitted as part of the grant application are public records.

72.2(3) Applicants must demonstrate a need for financial assistance for the program.

72.2(4) Applicants must satisfactorily describe their intent to meet the following activities and authority within the first year of the program in order to be eligible for initial and continued funding.

1. A public education program about lead poisoning and dangers of lead poisoning to children.
2. An effective outreach effort to ensure availability of services in geographic area to be served.
3. A blood screening program for children, with emphasis on children less than five years of age. Blood screening should be done in conformance with “Preventing Lead Poisoning in Young Children,” a statement by the Center for Disease Control, January 1985, available on request from the department.
4. Provision of laboratory services, in conformance with the above-cited reference.
5. A program of referral of identified children for assessment and treatment which should be developed in association with the Child Health Specialty Clinics of the University of Iowa Hospitals and Clinics.
6. An environmental assessment of suspect dwelling units.
7. Abatement surveillance to ensure correction of the identified hazardous settings.
8. A local code which provides adequate authority to require abatement.
9. A plan of intent to continue the program on a maintenance basis after the grant is discontinued.

641—72.3(135) Selection process.

72.3(1) Proposed lead abatement programs will be prioritized by the department, with highest priority given to geographic areas having children with elevated blood lead levels, as identified by surveys completed by the department.

72.3(2) Contract agencies are selected on the basis of the grant applications submitted to the Iowa department of public health in relation to the review criteria. Copies of review criteria are available

from Bureau Chief, Maternal and Child Health Bureau, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, (515)281-4911.

72.3(3) In the case of competing applications, the contracts will be awarded to the agencies that score the highest number of points in a review.

641—72.4(135) Funding.

72.4(1) Grant recipients will be required to provide matching contributions according to the following formula:

1. The grantee will provide one dollar for each three dollars awarded for each of the first two years and then one dollar for each dollar identified for a maximum of two additional years.
2. Local contributions may be in the form of in-kind matching.
3. No project can qualify for more than \$50,000 per year of state funds.

72.4(2) The contract period shall be from July 1 to June 30 annually; however, contracts may be subject to termination.

72.4(3) Agencies which have been awarded a grant for the first year must apply for renewal for each subsequent year.

72.4(4) Projects may negotiate for services or equipment with any firm, bearing in mind that according to Iowa Code section 193.7, the law requires the promotion of equal opportunity in all state contracts and services and the prohibition of discriminatory and unfair practices within any program receiving or benefiting from financial assistance in whole or in part.

72.4(5) The lead abatement grant program shall continue for so long as funds are appropriated to the department for that purpose.

641—72.5(135) Appeals.

72.5(1) Any applicant whose proposal has been timely filed, and is aggrieved by the awards made pursuant to these rules, may request a reconsideration of its proposal by filing a written request for reconsideration with the director of the Iowa department of public health. The request shall be filed within three working days of the date of notification of the awards.

72.5(2) Requests for reconsideration must be in writing and clearly state the reasons for reconsideration and what remedy is being sought. The director's scope of review for requests shall be limited to a finding that the department erred in following the rules or procedures of the grant process as outlined in these administrative rules or in the program application kit.

72.5(3) The department shall refrain from awarding any funds until it has received the decision of the director as to any reconsideration. The review will be conducted as expeditiously as possible so that all funds can be distributed in a timely fashion.

72.5(4) This procedure shall end the review process at the administrative level.

These rules are intended to implement Iowa Code sections 135.100 to 135.105.

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